

TURNER *Law Firm, LLC*

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April 28, 2020

Hon. John K. Sherwood
U.S. Bankruptcy Court
M.L. King, Jr. Federal Building & Courthouse
50 Walnut Street - 3rd Floor
Newark, New Jersey 07102

Re: In re New England Motor Freight, Inc., et al
Case No. 19-12809 (JKS)

Re: In re New England Motor Freight, Inc., et al
vs: Parties Listed on Exhibit A to the Complaint
and John Does 1-100
Adv. Pro. No. 19-1119 (JKS)

Dear Judge Sherwood:

Our firm represents Protective Insurance Company in the above bankruptcy.

I am in receipt of a "letter-motion" filed by counsel on behalf of tort claimant Jose Ferrer. I am not certain Your Honor is inclined to grant relief by letter. However, if the Court intends to schedule the matter for hearing, I would respectfully request notification of the date and time so a substantive response can be presented.

In short, Protective objects to the relief requested as there was no timely proof of claim filed. Further, proceeding in the State Court action would violate the permanent injunction afforded in the final confirmation order if the claim is valued less than the Debtor's self insured retention of \$500,000.00.

It should also be noted counsel to Mr. Ferrer contacted my office months ago as well as tort claims counsel (Wilson Elser) for Protective. The absence of a proof of claim was expressly noted along with the suggestion relief can only be granted through leave of court on motion and notice. There was no indication Your Honor would grant relief "by letter" and consent was not appropriate as it diminishes available letters of credit proceeds

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designated to address timely filed claims and related expenses. There may also be an impact to the Trust if excess proceeds are consumed such that money cannot be returned to the Estate's liquidating trust.


Having noted the above, tort claims counsel to Protective contacted claims agents and appropriate representative of Donlin Recano who confirmed there was no proof of claim filed on behalf of Mr. Ferrer. For ease of reference, a copy of the claims agent's February 27, 2020 correspondence is attached. Thus, there was a significant amount of time expended on behalf of Mr. Ferrer engaging counsel's inquiries and confirming the absence of a proof of claim.

Finally, and with respect, there is also a question of whether counsel for the "movant" is admitted to appear in this Court as her name is not listed in the current Lawyers' Diary, but I leave that issue to Your Honor.

We will await the Court's further instructions pertaining to the "letter-motion" filed on behalf of Mr. Ferrer.

Thank you for Your Honor's kind continuing attention to this matter.

Respectfully yours,



ANDREW R. TURNER

ART:a
Encl.

cc: Andrea Krugman, Esq., (w/encl)
Counsel to Jose Ferrer

Michael Papandrea, Esq. (w/encl)
Counsel to Liquidating Trust

Wilson Elser (w/encl)
Tort Claims Counsel for Protective Insurance Company

Garelick Goldstein, Joanna

From: Mapa, Rommel <RMapa@DonlinRecano.com>
Sent: Thursday, February 27, 2020 4:15 PM
To: Garelick Goldstein, Joanna
Cc: Nemf Info; Miller, Stuart A.; Matthews, Brian
Subject: RE: NEMF - Inquiry as to creditor Jose Ferrer (our file No. 21991.00016)

[EXTERNAL EMAIL]

Hi Joanna, you are correct, as of today the creditor Jose L. Ferrer did not file a claim.

Thank you,

Rommel Mapa

Director, Operations Department

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DONLIN RECANO

An AST Company

From: Garelick Goldstein, Joanna [mailto:Joanna.GarelickGoldstein@wilsonelser.com]
Sent: Thursday, February 27, 2020 2:48 PM
To: Mapa, Rommel
Cc: Nemf Info; Miller, Stuart A.; Matthews, Brian
Subject: [EXTERNAL] RE: NEMF - Inquiry as to creditor Jose Ferrer (our file No. 21991.00016)

CAUTION: EXTERNAL EMAIL

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Hi Rommel. I wanted to confirm whether a particular NEMF creditor, Jose L. Ferrer, ever filed a proof of claim with Donlin Recano. He is represented by Barry Weiss of Weiss & Rosenbloom PC.

On the spreadsheet that I received from the trustee (Lowenstein Sandler), Ferrer is creditor number 18117. On that spreadsheet, there is no indication that a Proof of Claim was filed. However, the firm handling the underlying personal injury litigation told us that one was submitted. Can you or someone from Donlin Recano please confirm for me whether or not a proof of claim was filed?

Thank you,
Joanna

Joanna Garelick Goldstein

Attorney at Law

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